

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In re:

Jointly Administered

EPIC Companies Midwest, LLC,
EPIC Companies Midwest 2023, LLC,
EPIC Employee, LLC,
EOLA Capital, LLC, and
EC West Fargo, LLC,

Bankruptcy No. 24-30281
Bankruptcy No. 24-30282
Bankruptcy No. 24-30283
Bankruptcy No. 24-30284
Bankruptcy No. 24-30285

Debtors.

Chapter 11

DEBTORS' NOTICE OF MOTION AND MOTION TO APPROVE SETTLEMENT

1. EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC (collectively, the “Debtors”) hereby move the Court for an order pursuant to Fed. R. Bankr. P. 9019(a) approving a settlement between EPIC Companies Midwest, LLC (“EPIC Midwest”), EPIC Companies Midwest 2023, LLC (“EPIC Midwest 2023”) and LTC – The Falcon, LLC (“Falcon”).

2. This Motion arises under 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 2002(a)(3) and 9019(a). This Motion is filed under Fed. R. Bankr. P. 9013, Local Rule 9013-1, and the Court’s Order Establishing Settlement Procedures (ECF No. 123). Notice of the hearing on this Motion is provided pursuant to the Court’s Order Limiting Notice Pursuant to Fed. R. Bankr. P. 2002(i) (ECF No. 124).

3. EPIC Midwest and Falcon are parties to that certain promissory note dated April 1, 2022, in the principal amount of \$50,000, with a maturity date of April 1, 2025 and monthly interest payments at 6.5% (the “EM Note”). The EM Note required Falcon to make monthly payments to EPIC Midwest in the form of interest. Falcon ceased making its monthly payments to EPIC Midwest around September 2024 and defaulted under the EM Note.

4. EPIC Midwest 2023 and Falcon are parties to that certain promissory note dated September 15, 2022, in the principal amount of \$25,000, with a maturity date of October 1, 2025 and monthly interest payments at 7% (the “E23 Note,” and together with the EM Note, the “Notes”). The E23 Note required Falcon to make monthly payments to EPIC Midwest 2023 in the form of interest. Falcon ceased making its monthly payments to EPIC Midwest 2023 around September 2024 and defaulted under the E23 Note.

5. To avoid the costs and uncertainties of litigation, Falcon has offered to pay EPIC Midwest and EPIC Companies Midwest 2023 all the amounts held in Falcon’s account, which shall be at least \$13,596.58. In exchange for the \$13,596.58 payment, all obligations of Falcon under the Notes will be deemed fully satisfied. EPIC Midwest and EPIC Midwest 2023 have agreed to these terms pending Court approval.

6. The Debtors believe that the costs of litigation will reduce the funds available to pay the claims of the estates if the dispute is not settled and Falcon has offered to pay the full amount of the funds held in its account to EPIC Midwest and EPIC Midwest 2023. The Debtors believe the settlement is in the best interests of creditors.

7. The Debtors request that the Court approve the settlement described herein pursuant to Fed. R. Bankr. P. 9019(a).

8. Any objection to the Motion must be filed with the Clerk of the United States Bankruptcy Court, whose address is Quentin N. Burdick Courthouse, 655 First Avenue North, Suite 210, Fargo, North Dakota 58102, and served upon the attorney whose name and address is listed below, by February 12, 2025, which is twenty-one (21) days from the date of the filing of this Motion. Any objections not filed and served may deemed waived and the Court may enter an order approving this settlement without further notice or hearing.

Dated: January 22, 2025

/e/ Steven R. Kinsella

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ATTORNEYS FOR DEBTORS

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ORDER

On January 22, 2025, Debtors EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC filed a Motion to Approve Settlement [Doc. ____] summarizing the settlement agreement between EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC and LTC – The Falcon, LLC. Debtors served notice of the motion. The Court received no objections. Based on the information provided by Debtors and the documents filed in this case, the Court finds that the proposed settlement is fair and equitable, reflects a balance of the risks of litigation with potential recovery and appears to be in the best interest of the bankruptcy estate. Therefore, **IT IS ORDERED** that the Motion to Approve Settlement is **GRANTED**. The settlement agreement summarized in the motion is **APPROVED**.

Dated this ____ day of February, 2025.

Shon Hastings, Judge
United States Bankruptcy Court